In the High Court of Judicature at Madras

Dated: 03.01.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice N.PAUL VASANTHAKUMAR

Writ Petition No.48622 of 2006
and M.P.No.1 of 2006

Kalaiselvi Jothiprakasam ..Petitioner

..vs..

1. The Commissioner,
   Corporation of Chennai,
   Rippon Buildings,
   Chennai-600 003.

2. R.Durairaj ..Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 1st respondent to forthwith initiate action against the 2nd respondent to demolish the illegal construction put up by the 2nd respondent at Door No.22/2, Dr.Babu Rajendraprasad Street, West Mambalam, Chennai-33.

For Petitioner : Mr.R.Suresh Kumar

For Respondents : Mr.V.Bharathidasan for R1
Mr.M.Sriram for R2

ORDER

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(Order of the Court was made by P.SATHASIVAM, J.,)

Petitioner has approached this Court to issue a Writ of Mandamus, directing 1st respondent-Commissioner, Corporation of Chennai, to forthwith initiate action against the 2nd respondent to demolish the illegal construction put up by him at Door No.22/2, Dr.Babu Rajendraprasad Street, West Mambalam, Chennai-33.

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2. Heard the learned counsel for the petitioner as well as the respondents.

3. In view of the controversy relating to title and ownership of property in question and pendency of two suits, one, at the instance of the petitioner, pending before the City Civil Court and another, at the instance of the 2nd respondent, which is pending before the Original Side of this Court, we are not inclined to go into those aspects in this writ petition.

4. According to the learned counsel for the petitioner, irrespective of the civil proceedings, in view of the fact that the 2nd respondent has constructed a building unauthorisedly, it is for the 1st respondent to take appropriate action. He further pointed out that, in fact, the 1st respondent has issued a notice to the 2nd respondent.

5. On going through the factual details as well as the pendency of civil proceedings initiated by the petitioner as well as the 2nd respondent, we are of the view that, at this moment, there cannot be any positive direction to the 1st respondent. However, it is made clear that depending on the outcome of the civil proceedings, both the petitioner and the 2nd respondent are free to make a representation to the 1st respondent to vindicate their grievance if any. It is further made clear that if any such representation is made, as observed above, the 1st respondent is duty bound to consider and proceed in accordance with law.

With the above observation, the writ petition is disposed of. No costs. Consequently, connected M.P.is closed.

gl

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai-600 003.

1 cc to Mr.R.Suresh Kumar, Advocate, SR.362/07
1 cc to Mr.M.Sriram, Advocate, SR.386/07
1 cc to Mr.V.Bharathidasan, Advocate, SR.466/07

bvr (co)
dv/18.1.07

Order in Writ Petition No.48622 of 2006
in MP.No.1/2006

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